



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

SEP 21 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

SENT VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Pat Garrett
Garrett Construction Company, Inc
P.O. Box 740
Enumclaw, WA 98022-0740

Re: Request for Information Pursuant to Clean Water Act Section 308 (33 U.S.C. § 1318)

Dear Mr. Garrett:

The U.S. Environmental Protection Agency (EPA) is investigating alleged violations of the Clean Water Act (CWA), 33 U.S.C. § 1251, *et. seq.*, for the unauthorized discharge of fill material into waters of the United States, including wetlands, on Lake Osoyoos and Palmer Lake in Okanogan County, Washington (Sites). The CWA prohibits the discharge of dredged and/or fill material into waters of the United States, except as authorized by a permit issued by the United States Army Corps of Engineers pursuant to Section 404 of the CWA, 33 U.S.C. § 1344.

The EPA is sending you this letter to gather additional information regarding the alleged violations of the CWA at the Sites and work that you were contracted to perform at the Sites. Pursuant to EPA's authority under Section 308 of the CWA, 33 U.S.C. § 1318, you are required to respond to the enclosed information request (Enclosure 1).

Please read the instructions and definitions in the enclosures carefully before preparing your response. Answer each question as clearly and completely as possible. Your response to this request must be accompanied by a certificate that is signed and dated by you, or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you that is responsive to the request. A Statement of Certification is included with this letter (Enclosure 2).

Please submit your response within twenty one (21) calendar days of receipt of this letter to:

Krista Rave-Perkins
U.S. Environmental Protection Agency, Region 10
Mail Stop: OCE - 101
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

In accordance with 40 CFR § 2.203(a), you are hereby notified that you may assert a business confidentiality claim covering part or all of the information requested above in the manner described by

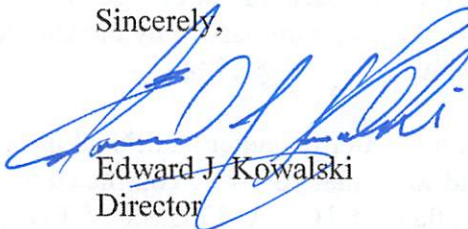
40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. If no confidentiality claims accompany the information when it is received by EPA, the information may, without further notice to you, be made available to the public. EPA's regulations addressing this subject appear in 40 CFR Part 2, Subpart B, and 41 Federal Register 36,902 through 36,924 (September 1, 1976), as amended.

The Small Business Regulatory Enforcement and Fairness Act, Section 222, provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an Agency enforcement activity. The enclosed information sheet provides information on this right, as well as information on compliance assistance that may be available to you (Enclosure 3). The Small Business Ombudsman may be reached at 1-800-368-5888.

Failure to provide all the information requested in this letter or to explain adequately the basis for such failure, or the making of any false material statement or representation in response to this Information Request, may constitute a violation of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties or fines pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, and Title 18 of the United States Code, 18 U.S.C. § 1001.

If you have any questions concerning this investigation or other matters related to this request, please contact Krista Rave-Perkins at (206) 553-6686 or rave-perkins.krista@epa.gov. If you have any legal questions concerning EPA's civil investigation, please have your attorney contact Endre Szalay, Assistant Regional Counsel, at (206) 553-1073. Thank you in advance for your prompt attention to this matter.

Sincerely,



Edward J. Kowalski
Director

Enclosures

1. Information Request
2. Statement of Certification
3. Information Sheet (U.S. EPA Small Business Resources)

Cc: Andrea Jedel, Washington Department of Ecology
Jess Jordan, US Army Corps of Engineers